(140)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition(S) No.1459/2007

Petitioner M.K. Ghosh, s/o late A.K. Ghosh, Then Chief Cashier, Area Head Quarter Chirimiri Area, presently posted as Clerk Grade-II (General Clerical Cadre) A.H.Q. Chirimiri Area, Distt. Korea (C.G)

Versus

RESPONDENTS

1. Union of India, through its Secretary of the Ministry of Coal & Mines Department, New Delhi
2. South Eastern Coal Fields limited, through its Chairman cum Managing Director, S.E.C.L. Bilaspur (C.G)The Executive Engineer, Water Management Division -2, Baloda Bazar (C.G)
3. Chief General Manager (Personnel) Director (P) S.E.C.L. Bilaspur (C.G)
4. General Manager, SECL, Chirimiri Area, P.O. West Chirimiri, Distt. Korea (C.G)
5. Enquiry Officer/Personnel Manager, S.E.C.L. North Chirimiri Doman Hill Group Chirimiri Distt. Korea (C.G)
6. Sub-Area Manager, S.E.C.L., N.C.P.H. Colliery, Chirimiri Area, Haldi Bazar, Chirimiri, Distt. Korea (C.G)
7. Deputy Finance Manager, S.E.C.L., N.C.P.H. Colliery, Chirimiri Area, Distt. Korea (C.G)
8. Personnel Manager, S.E.C.L., N.C.P.H., Colliery, Chirimiri Area, Distt. Korea (C.G)

Writ petition under Article 226 of the Constitution of India

Appearance:

Shri Suresh Pandey, counsel for the Petitioner.

Shri B.D. Badgaiya, Advocate, appears for the Union of India/respondent no.1, on advance copy.

Shri P.S. Koshy, Advocate, who is present in the Court, is requested to take notice on behalf of respondents no.2 to 8 as he usually appears and argue on behalf of these respondents.

ORAL ORDER
(16.8.2007)

(141)

Writ Petition(S) No.1459/2007

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner is an employee of S.E.C.L. Presently he is posted as Clerk Grade II (General Clerical Cadre), Cost and Budget (Accounts), A.H.Q. Chirimiri.

The grievance of the petitioner is that against the order of punishment passed in departmental proceedings, he had filed a departmental appeal under Clause 30 of the Certified Standing Order on 20.9.2006 but the appeal has not been disposed of by the concerned authority. Learned counsel for the petitioner makes a limited prayer that this petition may be disposed of with a direction to the concerned authority to dispose of the appeal at the earliest preferably within a period 45 days from the date of filing of the certified copy of this order before the said authority. He also refers to relevant Clause of the Certified Standing Order to show that the respondents are under obligation to dispose of the appeal filed by the petitioner within a period of 45 days.

This limited prayer is not opposed by learned counsel appearing for respondent no.1 as also other respondents who have been handed over the notice by counsel for the petitioner.

Prayer is allowed.

It is observed and directed that the petitioner, if so advised, may file a certified copy of this order before the concerned authority alongwith a copy of memo of appeal and with an application making further particulars regarding filing of appeal etc., and if such documents are filed within a period of 15 days from today before the concerned authority and the said authority finds that the appeal is still pending before it, it shall dispose of the same as early as possible preferably within a period of 45 days from the date of filing of such documents.

With the above observation, this petition stands finally disposed of.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao